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Attorneys for Plaintiffs

U.S. COURTS

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REC'D  
CAMERON S. BURKE  
CLERK  
IDAHO

ORIGINAL

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF IDAHO

KIMBERLEY SMITH and MICHAEL B. )  
HINCKLEY, individually and on behalf )  
of those similarly situated, )

Plaintiffs, )

vs. )

MICRON ELECTRONICS, INC., a )  
Minnesota corporation, )

Defendant. )

Case No. CIV 01-0244-S-BLW

AFFIDAVIT OF  
GLENYS McPHERSON

STATE OF IDAHO )

)ss.

County of Ada )

I, GLENYS McPHERSON, being first duly sworn on oath, depose and say:

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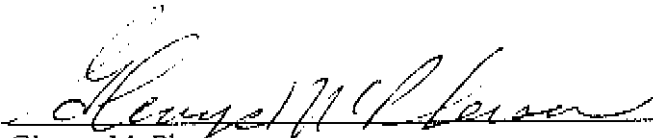
1. I am a secretary in the offices of Huntley, Park, Thomas, Burkett, Olsen & Williams.

2. I have made numerous attempts to contact Michael Carr, by letter, e-mail and telephone. I have not heard from him since January 16, 2002, when he called to make an appointment for January 22, 2002, to meet with Dan Williams regarding his deposition which was scheduled for February 5, 2002. He did not show up for the January 22 appointment, and we have heard nothing from him since. I contacted him by e-mail on February 1 telling him he would be dropped from the suit if he did not show up for his deposition and, on February 5, we mailed him a copy of Mr. Dockstader's February 4 letter, along with a copy of the Notice of Withdrawal. On March 6, we again wrote to Mr. Carr telling him to contact us to let us know if he was going to withdraw. We have received no response.

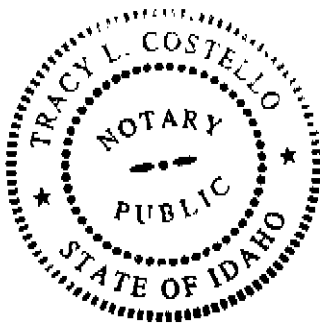
3. On January 14, 2001, Michelle Milliken notified me by e-mail that she wanted to remove herself from this lawsuit. I mailed her a Notice of Withdrawal that day, along with a stamped envelope, asking her to return it to us for filing with the court. I tried to call her a couple of times about this, but was unable to reach her. On March 6, 2002, we sent her a letter telling her that she needed to contact us about scheduling a deposition or withdraw from the case. We have received no response.

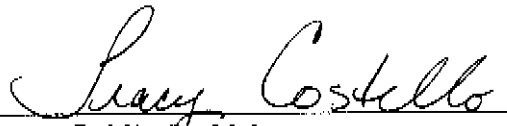
4. Michael Jordan's deposition was moved from December 21, 2001, to February 4, 2002. Mr. Jordan called around January 21 to tell us he was in school and could not be available on that date. I attempted to contact Mr. Jordan again to reschedule his deposition in accordance with Mr. Dockstader's July 11, 2002, letter. On July 12, 2002, I left a message on his answering machine and wrote him a letter about the July and August dates. I wrote him again on July 24 asking him about August dates; I also left a telephone message on that date. On July 26, I left another phone

message and sent him a letter with the deposition notice scheduling his deposition for August 6, 2002. We received no response and have heard nothing since.

  
Glenys McPherson

Subscribed and sworn to before me this 28<sup>th</sup> day of August, 2002.



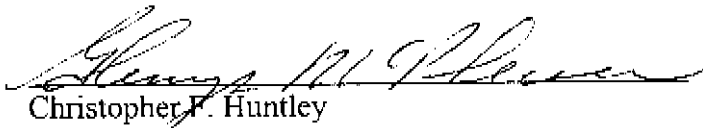
  
Notary Public for Idaho  
Residing at Boise, Idaho  
My Commission Expires: 7/30/05

CERTIFICATE OF SERVICE

I hereby certify that on this 28<sup>th</sup> day of August, 2002, a true and correct copy of the foregoing instrument was served upon opposing counsel as indicated below:

Kim J. Dockstader  
Gregory C. Tollefson  
STOEL RIVES LLP  
101 S. Capitol Blvd., Suite 1900  
Boise, ID 83702-5958

☐ Via Hand Delivery  
☒ Via Facsimile 389-9040  
☐ Via U. S. Mail

  
for Christopher F. Huntley